

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS,)	
)	
and)	
)	
AMERICAN PETROLEUM INSTITUTE)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:15-cv-394
)	(Hon. Christopher R. Cooper)
)	
GINA MCCARTHY, in her official capacity as Administrator, U.S. Environmental Protection Agency,)	
)	
and)	
)	
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Defendants.)	

NOTICE OF LODGING OF CONSENT DECREE

Defendants the United States Environmental Protection Agency and Gina McCarthy, Administrator, United States Environmental Protection Agency (collectively “EPA”), hereby lodge with the Court a proposed Consent Decree that would resolve the complaint in this action. The proposed Consent Decree is attached.

The Consent Decree has been signed by all of the Plaintiffs in this action. It has not yet been signed by EPA and should not be signed or entered by the Court at this time. Pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), the Consent Decree is not final and cannot be entered by the Court until the EPA Administrator provides a “reasonable opportunity

by notice in the Federal Register to persons who are not named as parties or intervenors to the action . . . to comment in writing” on the proposed decree. *Id.* After a reasonable public-comment period, the Administrator and/or Attorney General, as appropriate, must promptly consider written comments received. *Id.* If none of the comments disclose facts or considerations which indicate that the decree is inappropriate, improper, inadequate, or inconsistent with the Clean Air Act’s requirements, the Administrator will request that the Court enter the Decree. *Id.*

The proposed Consent Decree would require, in part, that EPA sign by no later than June 1, 2015, a proposed rule to determine in accordance with 42 U.S.C. § 545(o)(3)(B) the renewable fuel obligations for calendar year 2015, and that it sign by no later than November 30, 2015, a final rule or rules determining in accordance with 42 U.S.C. § 545(o)(3)(B) the renewable fuel obligations for calendar years 2014 and 2015. The proposed Consent Decree would also require EPA, by no later than November 30, 2015, to approve or disapprove in accordance with 42 U.S.C. § 7545(o)(7) the waiver petition submitted to EPA by Plaintiffs on August 13, 2013. EPA has agreed (subject to 42 U.S.C. § 7413(g)) to include these deadlines in the proposed Consent Decree based on its assessment that the deadlines are achievable, taking into account the resources EPA has available and any competing priorities EPA must address during the next seven months.

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General
Environment & Natural Resources Division

Dated: April 10, 2015

By: /s/ Brian H. Lynk
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 10th day of April, 2015, I electronically filed the foregoing Notice of Lodging of Proposed Consent Decree and thereby caused it to be served by electronic transmission to counsel of record for other parties to this action, all of whom are registered to use this Court's CM/ECF system.

/s/ Brian H. Lynk _____
Brian H. Lynk
Attorney for Defendants